

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

| | | |
|-----------------------|---|-------------------------------------|
| ALFRED K. CLOKE, III, | : | Case No. 1:11-cv-677 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Karen L. Litkovitz |
| vs. | : | |
| | : | |
| BOBBY YEGGY, et al., | : | |
| | : | |
| Defendants. | : | |

DECISION AND ENTRY: (1) ADOPTING THE ORDER AND REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. 63); (2) DENYING PLAINTIFF'S MOTION TO AMEND THE COMPLAINT (Doc. 58); (3) GRANTING DEFENDANTS' MOTIONS TO DISMISS (Docs. 37, 46); (4) DENYING PLAINTIFF'S MOTIONS TO PROCEED TO TRIAL AS MOOT (Docs. 42, 51); AND (5) CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND DENYING PLAINTIFF LEAVE TO APPEAL IN FORMA PAUPERIS

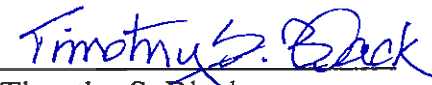
This case is before the Court on the Order and Report and Recommendations of United States Magistrate Judge Karen L. Litkovitz. (Doc. 63). Plaintiff filed objections to the Report and Recommendations. (Doc. 70). Although Plaintiff objects to certain portions of the Order and Report and Recommendations, he also agrees with many of the conclusions reached by Magistrate Judge.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge *de novo*, as well the motions, memoranda, and objections filed by the parties. Upon considering all issues *de novo*, the Court finds no merit to Plaintiff's Objections. Accordingly, the Court: (1) **ADOPTS** the Order and Report and Recommendation (Doc. 63) of the Magistrate Judge

in its entirety; (2) **DENIES** Plaintiff's Motion to Amend the Complaint (Doc. 58); (3) **GRANTS** Defendants' Motions to Dismiss (Docs. 37, 46); (4) **DENIES** Plaintiff's Motions to Proceed to Trial (Docs. 42, 51) as moot; and (5) **CERTIFIES** that an appeal of this Order would not be taken in good faith and **DENIES** Plaintiff leave to appeal *in forma pauperis*. The Clerk shall **TERMINATE** this case on the docket of the Court.

IT IS SO ORDERED.

Date: 3/27/13


Timothy S. Black
United States District Judge